



**3410-02 P**

**DEPARTMENT OF AGRICULTURE**

**Agricultural Marketing Service**

**[Document No. AMS-ST-12-0056]**

**Plant Variety Protection Board; Soliciting Nominations**

**AGENCY:** Agricultural Marketing Service, USDA

**ACTION:** Notice.

**SUMMARY:** The Plant Variety Protection Office (PVPO) is seeking candidates for the Plant Variety Protection Board. We are asking for the submission of nomination packages (an Application for Committee Membership (AD-755) and resume) by [INSERT DATE 15 DAYS AFTER DATE OF PUBLICATION IN THE FEDERAL REGISTER].

**FOR FURTHER INFORMATION CONTACT:** Paul Zankowski, USDA, Agricultural Marketing Service (AMS), Plant Variety Protection Office; 1400 Independence Avenue, SW, Room 3543; Washington DC 20250 or by phone at (202) 720-5231 or by e-mail: [Paul.Zankowski@ams.usda.gov](mailto:Paul.Zankowski@ams.usda.gov).

**SUPPLEMENTARY INFORMATION:** The Plant Variety Protection Act (PVPA) (7 U.S.C. 2321 *et seq.*) provides legal protection in the form of intellectual property rights to developers of new varieties of plants, which are reproduced sexually by seed or are tuber-propagated. A Certificate of Plant Variety Protection is awarded to an owner of a crop variety after an examination shows that it is new, distinct from other varieties, and genetically uniform and stable through successive generations. The term of protection is 20 years for most crops and 25 years for trees, shrubs, and vines.

The PVPA also provides for a statutory Board to be appointed by the Secretary of Agriculture (7 U.S.C. 2327). The duties of the Board are to: (1) advise the Secretary concerning the adoption of rules and regulations to facilitate the proper administration of the PVPA; (2) provide advisory counsel to the Secretary on all appeals from the Examiner; and (3) advise the Secretary on any other matters under the Regulations and Rules of Practice and on all questions under Section 44 of the PVPA, “Public Interest in Wide Usage” (7 U.S.C. 2404). Reestablishing the PVP Board is necessary and in the public interest.

The PVPA provides that "The Board shall consist of individuals who are experts in various areas of varietal development covered by this Act." (7 U.S.C. 2327(a)). The Board membership "shall include farmer representation and shall be drawn approximately equally from the private or seed industry sector and from the sector of government or the public." (7 U.S.C. 2327(a)).

The PVP Board consists of 14 members, each of whom is appointed for a 2-year period, with no member appointed for more than three 2-year periods. The term of the present Board will expire in December 2012. The first meeting of the new Board will most likely be held in the spring/summer of 2013. In order to provide the Secretary of Agriculture with a broad choice from a diverse group of applicants, the PVPO is asking for nominated members to serve on the Board for 2 years from the date of appointment. PVP Board members will serve without compensation, except for standard government reimbursable expenses.

To ensure that the recommendations of the Board take into account the needs of the diverse groups served by the USDA (from research and production to trade, use, and

consumption). The USDA is responsible for vetting every candidate who applies for membership to a USDA Research and Promotion Board and/or Federal Advisory Committee. Also, please note that federally registered lobbyists are prohibited from serving on advisory committees governed by the Federal Advisory Committee Act (FACA).

In order to be appointed by the Secretary of Agriculture to serve on a board or committee, each applicant must clear all stages of the vetting process. Vetting is a comprehensive personal and professional background investigation that specifically includes, but is not limited to, an analysis of each candidate's criminal history, bankruptcy filings, liens and judgments, affiliations and associations, lobbyist status, and prior involvement with USDA. This process is used to ensure that the finest candidates are selected to represent the interests of the United States Department of Agriculture.

Submit full nomination packages with completed AD 755 background information forms and resumes no later than [INSERT DATE 15 DAYS AFTER DATE OF PUBLICATION IN THE FEDERAL REGISTER]. Final selection of members will be made by the Secretary from nominations submitted. All nomination materials should be mailed in a single, complete package to: Paul Zankowski, Commissioner; Plant Variety Protection Office; 1400 Independence Avenue, SW, Room 3543; Washington DC 20250.

Nomination packages can also be sent to Thomas J. Vilsack, Secretary, U.S. Department of Agriculture, 1400 Independence Avenue SW, Washington, DC, 20250 outside of a formal call for nominations.

USDA has special interest in assuring that women, minority groups, and the physically disabled are adequately represented on these advisory committees. We encourage and welcome nominations for female, minority, or disabled candidates.

Please see <http://www.ams.usda.gov/PVPO> and click on PVPO Board (under Resources on the right side) for information on the Charter, and AD 755 form. The AD-755 form can also be found on the USDA Advisory Committee website ([www.usda.gov/advisory\\_committees.xml](http://www.usda.gov/advisory_committees.xml)). The Charter for the PVP Board will be available on the website at:

[http://www.fido.gov/facadatabase/docs\\_charters/1309\\_Charter\\_\(2011-01-04-10-32-08\).pdf](http://www.fido.gov/facadatabase/docs_charters/1309_Charter_(2011-01-04-10-32-08).pdf) or may be requested by contacting the individual identified in the “FOR FURTHER INFORMATION CONTACT” section of this notice.

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To file a written complaint of discrimination, write USDA, Office of the Assistant Secretary for Civil Rights, 1400 Independence Avenue, SW., Washington, DC 20250-9410 or call 202-720-5964 (voice and TTY). USDA is an equal opportunity provider and employer.

**Dated: December 17, 2012**

David Shipman  
Administrator  
Agricultural Marketing Service

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